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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,771	11/02/2001	Toshio Ueno	01707/LH	4314

1933 7590 04/19/2005

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
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NEW YORK, NY 10017-2023

EXAMINER

PARDO, THUY N

ART UNIT	PAPER NUMBER
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2165

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/002,771

Applicant(s)

UENO, TOSHIO

Examiner

Thuy Pardo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 28-43 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 28-43 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 15 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 22 Feb 2005.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Applicant's Amendment filed on October 15, 2004 in response to Examiner's Office Action has been reviewed. Claims 1-27 have been canceled and claims 28-43 have been added.
2. Claims 28-43 are presented for examination.

Claim Rejections - 35 USC § 112

Claims 28-43 are rejected under 35 U.S.C. 112, first paragraph, because the best mode contemplated by the inventor has not been disclosed. Evidence of concealment of the best mode is based upon a method for backup data utilizing a remote maintenance system.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 28-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Cane et al. (Hereinafter "Cane") US Patent Application No. 2002/0129047.

As to claim 28, Cane teaches the invention substantially as claimed, comprising:

acquiring request information from an apparatus of a first user 150 of fig. 1-D], the apparatus having a copying function [inherently having this feature in the user's system];

identifying a necessary usage data item from the request information [files that have been previously backed up by the first user are to be backed up by different users, ab];

accessing through a network the apparatus of the first user and an apparatus of a second user [ab], wherein the apparatus of the first user and the apparatus of the second user are of the same model [user-pool, ab; 0010; 0011]; and

acquiring information corresponding to the identified usage data item from the apparatus of the first user and from the apparatus of the second user [ab; 0012; 0013].

As to claim 29, Cane teaches the invention substantially as claimed. Cane further teaches providing the acquired information to a terminal operated by a maintenance administrator [server, 208 of fig. 2].

As to claim 30, Cane teaches the invention substantially as claimed. Cane further teaches analyzing the information acquired from the apparatus of the second user and generating an average value of each usage item [inherent in the system].

As to claim 31, Cane teaches the invention substantially as claimed. Cane further teaches that the usage data item includes a number of copies [backup copies 0021].

As to claim 32, Cane teaches the invention substantially as claimed. Cane further teaches the usage data item includes a number of copies in each paper feed stage of the apparatuses [0021].

As to claim 33, Cane teaches the invention substantially as claimed. Cane further teaches that the usage data item includes an image concentration measurement value of the apparatuses [media, 0022].

As to claim 34, Cane teaches the invention substantially as claimed. Cane further teaches that the usage data item includes an exposure set value of the apparatuses [0023-0032].

As to claim 35, Cane teaches the invention substantially as claimed. Cane further teaches that the usage data item includes an automatic concentration adjustment set value of the apparatuses [inherent in the system].

As to claim 36, Cane teaches the invention substantially as claimed. Cane further teaches that the usage data item includes a drum charge adjustment set value of the apparatuses [inherent in the system].

As to claim 37, Cane teaches the invention substantially as claimed. Cane further teaches that the usage data item includes a network environment of the apparatuses [ab; fig. 2].

As to claims 38-43, all limitations of these claims have been addressed in the analysis of claims 28-37 above, and these claims are rejected on that basis.

4. Applicant's arguments with respect to claims 28-43 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy Pardo, whose telephone number is 571-272-4082. The examiner can normally be reached Monday through Thursday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici, can be reached at 571-272-4083.

The fax phone number for the organization where this application or proceeding is assigned are as follows:

(703) 872-9306 (Official Communication)

and/or:

571-273-4082 (*Use this Fax#, only after approval by Examiner, for "INFORMAL" or "Draft" communication. Examiner may request that a formal/amendment be faxed directly to then on occasions).*

Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

7. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308-5359, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

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Hand-delivered responses should be brought to Crystal Park II, 2121

Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Thuy Pardo
April 16, 2005

A handwritten signature in black ink, appearing to be 'Thuy N. Pardo', with a stylized, looping initial 'T' and a long, sweeping horizontal stroke at the end.

THUY N. PARDO
PRIMARY EXAMINER